

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
FILE NUMBER: 04-159589-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeifle **Date:** October 12, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** October 12, 2004
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin
County: Racine
Center coordinates of site by latitude & longitudinal coordinates: 42.7465282972N, -88.1087277843W
Approximate size of site/property (including uplands & in acres): 20
Name of waterway or watershed: Upper Fox, Illinois, Wisconsin

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)			X						
Farmed Wetland									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): A wetland delineation prepared by a private consultant was forwarded to the Corps for concurrence and a jurisdictional determination. The review of the delineation report indicated that the subject property is currently a plowed field. A review of the Union Grove, WI USGS quadrangle did not identify any streams at the project site and mapped the suspect "farmed wetlands" as closed depressions. The local soil survey mapped the suspect "farmed wetlands" as isolated hydric soil mapping units that are not connected to a surface water. The maps reviewed indicated that waters of the U.S. are not found near the subject property. Therefore, the suspect "farmed wetlands" are not adjacent waters. Preliminary plans indicate that a pond could be dredged at the site resulting in potential impacts from 1 to 2 acres of the potential "farmed wetlands".